United States District Court

For the Northern District of California

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6   IN THE UNITED STATES DISTRICT COURT

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8   FOR THE NORTHERN DISTRICT OF CALIFORNIA

9   JUDITH SCRASE,   No. C 10-2189 WHA (PR)

10   Plaintiff,   **ORDER OF DISMISSAL;
                                                  GRANTING LEAVE TO PROCEED
11   v.   IN FORMA PAUPERIS; DENYING
                                                  APPOINTMENT OF COUNSEL**
12   CHRISTIAN STEN; FRANK KENT;
     DOES 1-10,
13
             Defendants.   (Docket No. 2, 7, 18)
14   /

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16   This civil rights complaint was filed under 42 U.S.C. 1983 by a plaintiff proceeding pro

17   se. She has also applied for leave to proceed in forma pauperis. Although the complaint relates

18   to an arrest in California, plaintiff currently resides in Nevada, and it appears from her

19   complaint and application to proceed in forma pauperis that she is no longer incarcerated. As a

20   consequence, she is not subject to the Prisoner Litigation Reform Act. *See* 28 U.S.C. 1915,

     1915A.

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22   Plaintiff alleges that defendant Christian Sten, a police officer, improperly arrested her,

     and she makes no allegations against the other defendants. Plaintiff has raised these same

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     allegations in a previous in forma pauperis complaint, however. *See Scrase v. Sten*, No. C 10-
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     1769 WHA (PR). An in forma pauperis complaint repeating the same factual allegations
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     asserted in an earlier case, as here, even if now filed against new defendants, is therefore subject
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     to dismissal as duplicative. *Bailey v. Johnson*, 846 F.2d 1019, 1021 (5th Cir. 1988); *see also*
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     Cato v. United States, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995) (dismissing duplicative complaint
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under 28 U.S.C. 1915(e)). Plaintiff's claims are accordingly **DISMISSED** as duplicative of the

claims raised in her earlier case.

Good cause appearing, the applications to proceed in forma pauperis (docket numbers 2

& 18) are **GRANTED.** The motion for appointment of counsel (docket number 7) is **DENIED** in

light of the dismissal of this action.

The order setting an initial case management conference and ADR deadlines is

VACATED. The clerk shall enter judgment and close the file.

IT IS SO ORDERED.

Dated: August ___30___, 2010.

WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

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